

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Robert Bryan	Team: Squad #13	CCRB Case #: 201903229	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/11/2019 6:30 AM	Location of Incident: § 87(2)(b)	Precinct: 41	18 Mo. SOL 10/11/2020	EO SOL 5/28/2021	
Date/Time CV Reported Mon, 04/15/2019 12:34 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/15/2019 12:34 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Mark Tufano	06899	919796	WARRSEC
2. DT3 Joseph Rivera	00647	939321	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Joseph Rivera	Discourtesy: DT3 Joseph Rivera spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.DT3 Joseph Rivera	Abuse: DT3 Joseph Rivera threatened to damage § 87(2)(b)'s property.	§ 87(2)(b)
C.DT3 Mark Tufano	Abuse: DT3 Mark Tufano entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
D.DT3 Mark Tufano	Abuse: DT3 Mark Tufano refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
E.DT3 Joseph Rivera	Abuse: DT3 Joseph Rivera refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On April 15, 2019, § 87(2)(b) called the CCRB and filed this complaint.

At approximately 6:30 a.m. on April 11, 2019, § 87(2)(b) was at home alone in his apartment at § 87(2)(b) in the Bronx when Detective Joseph Rivera of the Warrant Squad, who was looking at him through his open kitchen window, told him to open his front door. When § 87(2)(b) asked why, Det. Rivera responded, “I said open the fucking door” (**Allegation A – Discourtesy – Word**; § 87(2)(g) § 87(2)(b) continued to ask for a reason why he should open the door and Det. Rivera responded, “Open the door before we break the door down” (**Allegation B – Abuse of Authority – Threat to Damage Property**; § 87(2)(g) § 87(2)(b) opened the front door and Detective Mark Tufano of the Warrant Squad immediately entered the apartment (**Allegation C – Abuse of Authority – Entry**; § 87(2)(g) § 87(2)(b) asked both officers for their shield numbers, but they did not provide them (**Allegations D and E – Abuse of Authority – Refusal to Provide Shield Number**; § 87(2)(g) § 87(4-b) § 87(2)(g)

§ 87(2)(b) was not arrested or summonsed.

No video footage was recovered from this incident.

### Findings and Recommendations

**Allegation (A) Discourtesy – Detective Joseph Rivera spoke discourteously to § 87(2)(b)**

**Allegation (B) Abuse of Authority – Detective Joseph Rivera threatened to damage § 87(2)(b) property.**

§ 87(2)(b) stated that he became aware of Det. Rivera standing outside the open window of his kitchen when he said, “He’s right there!” (Board Review 01). Det. Rivera then told § 87(2)(b) to open the door, and § 87(2)(b) replied, “Open the door for what?” Det. Rivera replied, “I said open the fucking door” and said he had a warrant. When § 87(2)(b) asked whom the warrant was for, Det. Rivera said, “Open the door before we break the door down.”

Det. Rivera did not recall the incident (Board Review 02).

Det. Tufano said that he knocked on § 87(2)(b) door while Det. Rivera was standing by § 87(2)(b) window, and that Det. Rivera said something to the effect of “There’s someone in the apartment,” or “Someone is coming to the door.” Det. Tufano denied hearing Det. Rivera say, “Open the fucking door” or use any profanity (Board Review 03).

§ 87(2)(g)

**Allegation (C) Abuse of Authority – Detective Mark Tufano entered § 87(2)(b) in the Bronx.**

§ 87(2)(b) stated that as soon as he opened his front door, Det. Tufano stepped about a foot past the door frame into the apartment, just far enough inside to prevent § 87(2)(b) from closing the door.

Det. Tufano denied setting foot inside § 87(2)(b) apartment and denied crossing the threshold of the doorway. He said he stood in the vestibule outside § 87(2)(b) apartment for the entirety of their conversation. He denied blocking the door in any way.

§ 87(2)(g)

**Allegation (D) Abuse of Authority – Detective Mark Tufano refused to provide his shield number to § 87(2)(b)**

**Allegation (E) Abuse of Authority – Detective Joseph Rivera refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) stated that, just before Det. Tufano and Det. Rivera left, he asked them for their shield numbers once. They both ignored him and gave no indication that they heard his request.

Det. Tufano acknowledged that § 87(2)(b) asked for his shield number, and said that he responded by verbally providing both his name and shield number. He also asked § 87(2)(b) if he wanted a business card, but as he was taking one out, § 87(2)(b) replied, “Fuck you, Tufano.” He did not recall if § 87(2)(b) asked Det. Rivera for his shield number or if Det. Rivera provided it.

Det. Rivera did not recall this incident.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to one previous CCRB complaint. § 87(2)(b)

